

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JIM R. TRAMEL

v.

RUTHERFORD COUNTY SHERIFF'S
DEPARTMENT; ROBERT ARNOLD;
individually and in his official
capacity as Rutherford County Sheriff;
and RUTHERFORD COUNTY,
TENNESSEE

No. 3-13-0658

CASE MANAGEMENT ORDER # 2

By contemporaneously entered order, the Court has approved and entered the parties' initial case management order, with substantial modifications addressed at the initial case management conference held on August 26, 2013.¹ Those modifications and other matters addressed on August 26, 2013, are as follows:

1. The plaintiff served written discovery on the defendants on July 31, 2013, and served initial disclosures in accord with Rule 26(a)(1) of the Federal Rules of Civil Procedure on August 26, 2013.
2. Any motion to amend the pleadings shall be filed by February 18, 2014.²
3. All written discovery shall be served and responded to and all depositions of fact and party witnesses shall be completed by February 28, 2014.
4. The parties shall have until February 28, 2014, to schedule a telephone conference call with the Magistrate Judge to address any discovery issues or dispute before filing any discovery motion.
5. The plaintiff shall have until January 17, 2014, to serve expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure.

¹ In the parties' proposed initial case management order (Docket Entry No. 13), they included competing scheduling deadlines for the progression of the case.

² The Court has changed all February 17, 2014, deadlines to February 18, 2014, because February 17, 2013, is a federal holiday.

6. The defendant shall have until February 18, 2014, to serve Rule 26(a)(2) expert disclosures.

7. The plaintiff shall have until March 3, 2014, to serve rebuttal expert disclosures, if necessary.

8. All expert discovery shall be completed by April 2, 2014.³

9. Counsel for the parties agreed that the prospects for settlement are minimal. Therefore, the provision in the parties' proposed initial case management order relating to filing a joint mediation report has been deleted.

10. Any dispositive motion shall be filed by May 12, 2014. Any response shall be filed within 30 days of the filing of the motion or by June 11, 2014, if the motion is filed on May 12, 2014. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by June 25, 2014, if the response is filed on June 11, 2014.

No other filings in support of or in opposition to any dispositive motion shall be filed after June 25, 2014, except with the express permission of the Honorable Todd J. Campbell.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

There shall be no stay of discovery before the February 28, 2014, deadline for completion of fact discovery or the April 2, 2014, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

The provision in the parties' proposed initial case management order relating to motions for partial summary judgment has been deleted.

At the initial case management conference, counsel for the parties addressed briefing on the defendant's motion to dismiss (Docket Entry No. 11), and the plaintiff filed a response in opposition to the motion (Docket Entry No. 16).

³ The Court's notes do not reflect that a deadline for completion of expert discovery was established at the initial case management conference, so it is established in this order as 30 days after the completion of all potential expert disclosures. If this deadline does not comport with the parties' understanding of what was addressed on August 26, 2013, and/or they want to adjust the deadline, they may schedule a telephone conference call with the Magistrate Judge to address the issue.

However, since the initial case management conference, by order entered August 30, 2013 (Docket Entry No. 15), the defendants' motion to dismiss was denied as moot in light of the plaintiff's amended complaint, filed on August 28, 2013 (Docket Entry No. 14).⁴

Therefore, the defendants shall have until September 17, 2013, to file an answer to the amended complaint or a renewed motion to dismiss the amended complaint.⁵

If the defendants file a renewed motion to dismiss the amended complaint, the plaintiff shall have 14 days from the filing of the renewed motion to dismiss the amend complaint or until October 1, 2013, to file a response to the defendants' renewed motion to dismiss. Any reply, if necessary, shall be filed within seven (7) days of the filing of the response or by October 8, 2013, if the response is filed on October 1, 2013.

Based on the schedules set forth above and the scheduling conflicts of counsel, it is recommended that a jury trial be scheduled no earlier than October 14, 2014. The parties anticipate that the trial will last 3-4 days.

Any party desiring to appeal any order of the Magistrate Judge may do so by filing a motion for review no later than fourteen (14) days from the date of service of the order. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for the appeal. See Rule 72.02(b)(1) of the Local Rules of Court and Rule 72(a) of the Federal Rules of Civil Procedure.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

⁴ The plaintiff did not address the possibility of his filing an amended complaint at the initial case management conference.

⁵ The prohibition against filing more than one motion to dismiss will not apply to bar the defendants from filing a motion to dismiss the amended complaint.